

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICARDO NATIVIDAD

Petitioner,

v.

JEFFREY BEARD, *et al.*,

Respondents.

**CIVIL ACTION NO. 08-449
(CAPITAL CASE)**

ORDER

AND NOW, this 24th day of August 2021, upon consideration of Petitioner Ricardo Natividad's Petition for Writ of Habeas Corpus, Petitioner's Supplement to Petition for Writ of Habeas Corpus, the responses and replies thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. The Clerk of Court shall **REMOVE** this case from suspense.
2. The Parties' Joint Motion to Withdraw Stipulation and Order [Doc. No. 134] is **GRANTED**. The Parties' Stipulation and Order [Doc. No. 126] is withdrawn.
3. Ricardo Natividad's Petition for Writ of Habeas Corpus [Doc. No. 7] is **GRANTED** as to Claim Five, as supplemented in Petitioner's Second Supplement to Petition for Writ of Habeas Corpus [Doc. No. 101].
4. Petitioner's conviction and sentence are **VACATED**. Petitioner shall be released from custody (subject to any detainers) unless a retrial by the Commonwealth has commenced within 180 days from the date of this Order.
5. Petitioner's remaining claims are **DISMISSED** as moot.
6. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.